



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Florida Department of Agriculture and Consumer Services
Division of Agricultural Environmental Services
Bureau of Scientific Evaluation and Technical Assistance
The Conner Building, No. 6
3125 Conner Boulevard
Tallahassee, Florida 32399-1650

Date Issued:
Expiration Date:
Report Due Date:
File Symbol: 22FL01

Attn: Ms. Amy Brown

The Environmental Protection Agency hereby issues a specific exemption under the provisions of Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the Florida Department of Agriculture and Consumer Services (FDACS) for the use of clothianidin on immature (3-5 years old) citrus trees to manage the transmission of Huanglongbing (HLB) disease vectored by the Asian Citrus Psyllid (ACP).

In a reauthorization letter dated December 3, 2021, the FDACS recertified that an the emergency condition still exists and that there were no changes to the use directions as approved in the last authorization letter dated December 23, 2020, including the use rates and type of application. On However, EPA determined the reauthorization request was not eligible for recertification May 19, 2022, FDACS submitted additional information because it did not include information about alternative active ingredients pesticides registered since 2014 to manage ACP. On May 19, and July 22, 2022, FDACS submitted information on potential alternative pesticides that have been registered since 2014 to manage ACP and information to inform supported the analysis of risks to pollinators and threatened and endangered species. emergency use pattern and explained why currently registered pesticides are insufficient. This specific exemption is subject to the conditions set forth in your request as well as the following conditions, modifications, and restrictions below:

1. The Florida Department of Agriculture and Consumer Services (FDACS) is responsible for ensuring that all provisions of this specific exemption are met. FDACS is also responsible for providing information in accordance with 40 CFR §166.32(b). Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Regional 4 office within 6 months following the expiration of this exemption or prior to requesting another specific exemption for this use. In accordance with 40 CFR §166.32(a), these offices shall also be immediately informed of

Commented [BE1]: Are we sending to Rashmi or Amy?

Commented [GS2R1]: [HYPERLINK "mailto:Bohnenblust.Eric@epa.gov"] The last 3 auth letters were (2019-2021) sent to Amy Brown.

Commented [BE3R1]: Ok, I know Rashmi submitted the original one

Commented [BE4]: I'm struggling with this paragraph, it doesn't really provide any context for why that second piece of info came in and it also ignores that we got additional information in the summer. It also ignores that we said it was not recertifiable.

Commented [GS5R4]: [HYPERLINK "mailto:Bohnenblust.Eric@epa.gov"] I agree re struggle and the rewritten sentence is good enough for this succinct paragraph. Recertification is not discussed in this paragraph per our template and is reserved for the end of the authorization letter.

Commented [GS6R4]: [HYPERLINK "mailto:Bohnenblust.Eric@epa.gov"] I located the sentence in the RTC doc that describes exactly what FDACS submitted!

Commented [GS7]: [HYPERLINK "mailto:Bohnenblust.Eric@epa.gov"] [HYPERLINK "mailto:lieu.david@epa.gov"] I deleted "still" since this is consistent with the RTC document. Let me know what you think!

Commented [BE8R7]: Can we also mention that we determined it was not eligible for recertification to preface why we received more info.

Commented [GS9R7]: [HYPERLINK "mailto:Bohnenblust.Eric@epa.gov"] This paragraph is rewritten to include the reason why the application was not eligible for recertification.

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any adverse effects resulting from the use of this pesticide in connection with this exemption. Any future correspondence in connection with this exemption should refer to file symbol: **22FL01**.

2. The registered product, Belay® Insecticide (EPA Reg. No. 59639-150, containing 23.0% clothianidin) manufactured by Valent U.S.A. Corporation may be applied. All applicable use directions, restrictions, Worker Protection Standard (WPS) requirements, and precautions on the EPA-registered product label, as well as those outlined on the Section 18 use directions, submitted in support of your application must be followed, except as modified by this authorization document.
3. Belay® Insecticide may be applied via soil drench at a single maximum application rate of 0.2 lb a.i./A (12.0 fl oz per acre) to immature citrus trees (3- to 5-years-old), with a maximum of 0.4 lb a.i./A (24.0 fl oz per acre) per 12-month period regardless of tree size, tree count per acre, or application method.
4. A maximum of 125,376 acres of young citrus trees may be treated under this exemption.
5. A minimum 1-day pre-harvest interval (PHI) and a 12-hour restricted entry interval (REI) must be observed.
6. To minimize exposure to pollinators, the following statements on the application timing must be observed: **“Do not apply this product until after petal fall.”** ~~and~~ **“Do not apply between November 1 and the end of winter/spring bloom.”**
7. In addition, the following environmental hazard statements on the Section 18 label must be followed:
 - This product is toxic to aquatic invertebrates. Do not apply when weather conditions favor drift from treated areas. Drift and runoff may be hazardous to aquatic organisms in neighboring areas. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean highwater mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters or rinsate.
 - This product is toxic to bees exposed to treatment and for more than 5 days following treatment. Do not apply this product to blooming, pollen-shedding or nectar-producing parts of plants if bees may forage on the plants during this time period. Fall soil application of 3-5 years old citrus may pose risks to honeybees that forage in the trees during the winter/spring bloom. Applicators are advised to help mitigate such risks by cooperating with the Florida Department of Agriculture and Consumer Services in its efforts to communicate hive location/placement options with local beekeepers (*sic*). For further information, see [HYPERLINK "<http://www.FloridaBeeProtection.org>"].
 - The properties of this chemical suggest it may leach into ground water if used in areas where soils are permeable and where the water table is very shallow. Do not apply within 25 feet of lakes, reservoirs, rivers, permanent streams, marshes, natural ponds, estuaries, or commercial fish farm ponds.

Commented [BE10]: Add the Nov 1 date near here just to clarify, as on that comment is pointed out in the RFP review.

Commented [BE11R10]: It should probably also be in quotes but that's the right one.

- In the state of Florida: The properties of this chemical suggest it may leach into ground water if used in areas where soils are permeable and where the water table is very shallow. Do not apply within 25 feet of lakes, reservoirs, rivers, permanent streams, marshes, natural ponds, estuaries, or commercial fish farm ponds.

8. A time-limited tolerance in connection with this action has been established in 40 CFR 180.586(b) for fruit, citrus group 10-10 to support this emergency use.

This is the ninth year that FDACS has requested the use of clothianidin on immature citrus trees to manage the transmission of Huanglongbing disease vectored by the Asian Citrus Psyllid under Section 18 of FIFRA. In the event that FDACS requests an exemption for this use pattern next year, EPA is making a preliminary determination that this use is not eligible for a streamlined application under the recertification program (40 CFR 166.20(b)(5)). Any future request for an exemption to address this pest situation must include a discussion on the research and feasibility of use of newly registered alternative active ingredients as pest control options.

If you have any questions regarding this authorization, please contact Emergency Response Team member, Stacey Groce (groce.stacey@epa.gov, 202- 566-4715) or the Emergency Response Team Acting Senior Regulatory Specialist, David Lieu (lieu.david@epa.gov, 202-566-2815).

Ed Messina Esq., Director
Office of Pesticide Programs

cc: USEPA Region 4, Randy Dominy
USEPA Region 4 Pesticide Tribal Coordinator, Patricia Livingston

Commented [LD12]: 707: authorization letter has "40CFR 180.586(b)" Should this be different?

Commented [GS13R12]: [HYPERLINK "lieu.david@epa.gov"] I did 40 CFR ref to no. It correct. I made an error on the last email and there should be an amendment (-).

Commented [BE14]: I'm waiting to see if AP-43 review that the OEL is recertifiable, while the overall thing is not. I realize parsing it out would be painful, but I wonder if it is worth doing that?

Commented [GS15R14]: [HYPERLINK "lieu.david@epa.gov"] I think that eligibility for a streamlined application means that FDACS can just refer to the original application as long as nothing has changed, and no additional information needs to be submitted for review by EPA. Even though the SLU is recertifiable, it does not change their eligibility for the streamlined application since FDACS would still need to address the same pesticide in a future application. FDACS can no longer submit the same streamlined package as in previous years.

Commented [BE16R14]: [HYPERLINK "lieu.david@epa.gov"] Thanks, yes want back to the regs and you are right, they need to certify its all true, so we can do it properly. Thanks.

Commented [LD17]: I moved the sentence regarding whether a pesticide labeling is not present. Was that helpful or not? Instantly? Worth withdrawing?

Commented [GS18R17]: Similar to discussion of adding EE program's toward registration to the authorization letter.